

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**MELEDIA FREEMAN, AS THE ADMINISTRATION
OF THE ESTATE OF ALBERT PRITCHARD,
DECEASED AND ON BEHALF OF THE HEIRS
AND BENEFICIARIES**

PLAINTIFFS

v.

CIVIL ACTION NO. 3:14CV97-MPM-SAA

**GGNSC SOUTHAVEN, LLC dba GOLDEN LIVING
BATESVILLE, GOLDEN GATE NATIONAL
SENIOR CARE, LLC, GGNSC EQUITY HOLDINGS,
LLC, GGNSC CLINICAL SERVICES, LLC, GPH
BATESVILLE, LLC, GGNSC HOLDINGS, LLC,
GEARY PROPERTY HOLDINGS, LLC,
BEVERLY ENTERPRISES, INC., PEARL SENIOR
CARE, LLC AND DRUMM CORP.**

DEFENDANTS

ORDER DENYING MOTION TO STAY

Defendants have moved to stay all proceedings in this case pending a ruling by the Fifth Circuit in two sister cases, *Gross v. GGNSC*, 3:14cv37-MPM-SAA (referred to by defendants as “*Wagner v. GGNSC*”) and *Cotton v. GGNSC*, 3:13cv169-DMB-SAA (referred to by defendants as “*Roberson v. GGNSC*”). Docket 45. Defendants similarly moved to stay *Gross* pending a ruling by the Fifth Circuit, and their request was denied by Judge Mills. See *Gross*, 3:14cv37-MPM-SAA, Docket 76.

For the same reasons set forth by Judge Mills in the *Gross* Order, defendants’ Motion to Stay is hereby DENIED. If a stay of *Gross* while on appeal to the Fifth Circuit is inappropriate, then certainly a stay of this case would not be warranted. The court finds a strong public interest in moving this case through the litigation process. The appeal from the Fifth Circuit could take months and delay resolution of this case. Additionally, given that district courts are encouraged

to resolve civil litigation within three years, the undersigned cannot let this case sit idle while the parties could be conducting discovery they will need regardless of whether this case is litigated in this court or before an arbitrator. Accordingly, it is

ORDERED

that the defendants' Motion to Stay is DENIED. Docket 45. A Case Management Conference will be set by separate order.

This, the 20th day of August, 2015.

/s/ S. Allan Alexander
UNITED STATES MAGISTRATE JUDGE